

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES LAWRENCE RHODES,

Plaintiff,

vs.

KEITH HOEHNE, et al.,

Defendants.

3:06-CV-0517-ECR (RAM)

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Edward C. Reed, Jr., Senior United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On September 29, 2006, the court received Plaintiff's Complaint and Application to Proceed *In Forma Pauperis* (Doc. #1). On September 11, 2007, the court ordered Plaintiff to provide additional information concerning the Application to Proceed *In Forma Pauperis* (Doc. #3). On October 16, 2007, the court notified Plaintiff of his failure to comply with the court's prior order and gave him an additional fifteen (15) days to comply (Doc. #4). To date, Plaintiff has failed to comply with the court's order and file the requested Affidavit.

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**RECOMMENDATION**

**IT IS THEREFORE RECOMMENDED** that the District Judge enter an order dismissing this case without prejudice.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, specific written objections to this Report and Recommendation within ten (10) days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1), Fed. R. Civ. P., should not be filed until entry of the District Court's judgment.

DATED: November 6, 2007.



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UNITED STATES MAGISTRATE JUDGE